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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,231	08/15/2005	Matthew James Mulcahy	DUMME63.001APC	6236
29995 7590 08/22/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
MISIASZEK, MICHAEL				
ART UNIT		PAPER NUMBER		
3625				
NOTIFICATION DATE		DELIVERY MODE		
08/22/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/528,231

Applicant(s)

MULCAHY ET AL.

Examiner

Michael Misiaszek

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SE-08)
- Paper No(s)/Mail Date 8/15/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 1. Claims 2, 17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding Claims 2, 19

Claims 2 and 19 recite the limitations "said interface hub databases" and "said internet web site". There is insufficient antecedent basis for these limitations in the claims.

Regarding Claim 17

The language of claim 17 is particularly unclear, and renders the scope of the claim indefinite. Claim 17 recites paying a variable amount according to criteria associated with response from a provider. It is completely unclear as to what the hub is paying, what criteria is used, and what response is evaluated. None of these factors are mentioned in the claims from which claim 17 depends. For purposes of examination purposes, claim 17 will be interpreted as meaning that the hub issues payments based on shipping time of the vendors. Appropriate correction is required to clarify the scope of the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 2. Claims 1-10, 15-18, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Chowdhary et al. (US 20040044582 A1, hereinafter Chowdhary).**

Regarding Claims 1-8

Chowdhary discloses:

- a management interface hub mediating between a procurer of goods or services and providers of goods or services, wherein communication between said interface hub and said providers is via any one of a selection of communication methods (at least abstract: transaction coordination hub)
- wherein all records relevant to the procurement of said goods or services are maintained on said interface hub databases (at least paragraph [0022]: necessary transaction, product, vendor data stored in database)
- wherein said interface hub mediates between a plurality of procurers of goods or services, each one of said plurality of procurers obtaining goods or services from a set of providers offering similar product (at least paragraph [0037]: selling vendors and shipping vendors sell same product)

- wherein the choice of said providers is dictated by criteria other than price (at least paragraph [0037]: shipping vendors selected based on shipping factors)
- wherein said communication methods between said providers and said interface hub may include: (a) e-mail over the internet (b) facsimile transmissions (c) postal mail services (d) internet pages (e) telephone (f) data connection (at least paragraph [0019]: communication over the web via web servers)
- wherein communication between said procurer of said goods or services and said interface hub is via an internet web site (at least abstract: customer accesses web site)
- wherein said communication between said procurer and said interface hub includes the transfer to said interface hub of orders for goods or services, said orders specifying a selected one of said providers (hub sends order data to selected shipping vendor)
- wherein said communication between said procurer and said interface hub includes the transfer to said interface hub of orders for goods or services, said orders specifying criteria for the selection of a selected one of said providers (at least paragraph [0040]: orders transferred including shipping costs)
- wherein said communication between said interface hub and said procurer includes the transfer of data received from said providers, said data processed and formatted by said interface hub to conform to the requirements of said procurer, said data further presented for access by said procurer in digital form

(at least paragraph [0023]: vendors access catalog to change, edit, update information)

- wherein said orders are initiated by said procurer (at least abstract)

Regarding Claim 15

Though Chowdhary does not explicitly disclose that said goods or services are in the form of data, as recited in claims 25-30, Chowdhary does disclose providing goods and services for procurement. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Chowdhary to have provided any type of goods or services because such would have been an obvious matter of design choice in light of the system already disclosed by Chowdhary. Such modification would not have otherwise affected the system of Chowdhary and would have merely represented one of numerous steps that the skilled artisan would have found obvious for the purposes already disclosed by Chowdhary. Additionally, applicant has not persuasively demonstrated the criticality of providing the specific types of goods and services set forth by the claimed invention versus the manner in which Chowdhary discloses providing goods and services.

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Regarding Claim 16, 17, 18

Chowdhary discloses:

- said interface hub is adapted to initiate payments to said providers in return for goods or services presented to said interface hub (at least paragraph [0035])
- payments is initiated based on shipping costs of the vendor (at least paragraph [0033])
- wherein said database is provided with input protocols specific to said procurer and said providers (at least paragraph [0023]: vendor catalog input)

Regarding Claims 24

Chowdhary discloses:

- an intermediary procurement management hub adapted to the ordering, collection and preparation of formatted and homogenized data relevant to transactions between at least one procurer and one of a set of providers, wherein said providers are linked by a commonality of service offered to said one procurer (at least abstract, paragraphs [0029] and [0037]: transaction coordination hub prepares order data in a common language to be transmitted from selling vendor to shipping vendor of same product)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-21, 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdhary.

Regarding Claims 19-21

Though Chowdhary does not explicitly disclose the specific communication methods between the providers and the hub recited in claims 19-21, Chowdhary does disclose communication between the providers and the hub via web servers. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Chowdhary to have provided any manner of communication means between the providers and the hub because such would have been an obvious matter of design choice in light of the system already disclosed by Chowdhary. Such modification would not have otherwise affected the system of Chowdhary and would have merely represented one of numerous steps that the skilled artisan would have found obvious for the purposes already disclosed by Chowdhary. Additionally, applicant has not persuasively demonstrated the criticality of providing the specific communication methods set forth by the claimed invention versus the manner in which Chowdhary discloses providing communication between the providers and the hub.

Regarding Claims 25-30

Though Chowdhary does not explicitly disclose the specific commonality of service recited in claims 25-30, Chowdhary does disclose that the providers/vendors share a commonality of service. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Chowdhary to have provided any type of commonality of service because such would have been an obvious matter of design choice in light of the system already disclosed by Chowdhary. Such modification would not have otherwise affected the system of Chowdhary and would have merely represented one of numerous steps that the skilled artisan would have found obvious for the purposes already disclosed by Chowdhary. Additionally, applicant has not persuasively demonstrated the criticality of providing the specific commonalities of service set forth by the claimed invention versus the manner in which Chowdhary discloses providing a commonality of service.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdhary in view of Rosen (US 5745886)

Chowdhary discloses the claimed invention except for:

- wherein said orders are initiated by authorized agents

Rosen teaches that it is known to include authorized agents initiating transactions (at least abstract) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system, as taught by Chowdhary, with the agents, as taught by Rosen since such a modification would have only united elements of the prior art references, with no change in their respective functions and which yield predictable results.

5. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdhary in view of Ito et al. (US 20010042030 A1, hereinafter Ito).

Regarding Claim 12

Chowdhary discloses the claimed invention except for:

- wherein said interface hub includes a document processing facility adapted to the extraction of data from paper documents for entry into digital databases.

Ito teaches that it is known to include extracting data from a paper document into digital form (At least paragraph [0420]) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system, as taught by Chowdhary, with the extraction, as taught by Ito since such a modification would have only united elements of the prior art references, with no change in their respective functions and which yield predictable results.

Regarding Claims 13, 14

Chowdhary discloses:

- wherein said interface hub is adapted to process said providers to become registered providers to said procurer, wherein registration permits access by said registered providers to specified areas of said databases maintained by said interface hub (at least paragraph [0023]: vendors affiliated with hub are able to access vendor catalog)

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdhary in view of Gilberto et al. (US 20030158791 A1, hereinafter Gilberto).

Chowdhary discloses the claimed invention except for:

- said providers are paid for goods provided on presentation of invoice

Gilberto teaches that it is known to include paying providers on presentation of an invoice (at least paragraph 15) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system, as taught by Chowdhary, with the payment, as taught by Gilberto since such a modification would have only united elements of the prior art references, with no change in their respective functions and which yield predictable results.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chowdhary in view of Campbell et al. (US 6856970 B1, hereinafter Campbell)

Chowdhary disclose the claimed invention except for:

- wherein said hub is adapted to the collation of statistical data relating to the interactions between said hub, said procurers and said providers, said data providing for quality control, prevention of fraud and industry benchmarking of said interactions.

Campbell teaches that it is known for a transaction hub to collate and arrange statistical data with regard to transactions (at least column 8, lines 11-24) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Chowdhary, with the statistic keeping of Campbell, since such a modification would have only united elements of the prior art references, with no change in their respective functions and which yield predictable results.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571)272-6961. The examiner can normally be reached on 9:00 AM - 5:30 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Smith/
Supervisory Patent Examiner, Art
Unit 3625

Michael A. Misiaszek
Patent Examiner
8/18/2008